

IN THE US PATENT AND TRADEMARK OFFICE

In re Application of: Jeffrey Bergh et al.
Application No.: 10/791,688
Title: Fiber Cement Fence System
Filing Date: March 1, 2004
Art Unit: 3679
Examiner: Joshua T. Kennedy

RESPONSE TO FINAL OFFICE ACTION

In response to the Office Action, made final, mailed April 11, 2010, the Applicant respectfully submits a request to reconsider the decision to issue the previous final action, amendments to claims 94-106 inclusive and a request to consider said amended claims 94-106 and allow said amended claims 94 – 106 inclusive.

Procedural History begins on Page 1 of this paper.

Request for reconsideration of decision to issue final action under MPEP 706.07(d) begins on Page 2 of this paper.

Remarks/Arguments begins on Page 2 of this paper.

Amendments to Claims begins on Page 4 of this paper.

Conclusion begins on Page 7 of this paper.

PROCEDURAL HISTORY

On May 3, 2010 the Applicant submitted a Request for Continued Examination (RCE) under 37 CFR 1.114 cancelling prior claims 1-93 inclusive and submitting new claims 94-106 inclusive with supporting remarks. On May 11, 2010, the Office responded by entering Applicant's May 3, 2010 RCE under 37 CFR 1.114 and issuing a Final Office Action rejecting claims 94-106 under 35 USC § 103(a) as being unpatentable over Caceres et al (US Patent 6588732) in view of Gleeson et al (US Patent Application Publication 2001/0047741) and Newberry, Jr . (US Patent 3801072). On July 29,